

REMARKS

The requirements for restriction being the only issue raised in the present Office Action, this paper is fully responsive to the same. The Applicants hereby reserve the right to file a divisional application for any non-elected subject matter in this application.

In the present application, the difference between the embodiment shown in Figure 1 and the embodiment shown in Figure 2 is that Figure 2 introduces a further feature of: a liquid adding outlet/nozzle 113 configured proximate the top of the work tank 102 for receiving machining liquid 110 and spraying or flushing the machining liquid 110 to the machining area from an up-down or side-to-side direction between the workpiece 104 and electrode 106. (Specification, paragraph [0012]) This is an additionally disclosed feature with respect to the embodiment of Figure 1, and thus the specific claims directed thereto are found in dependent claims 11, 12, 23 and 24.

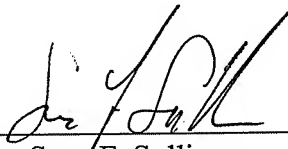
MPEP section 811 provides that “[b]efore making a restriction requirement after the first action on the merits, the examiner will consider whether there will be a serious burden if restriction is not required.” There is no indication by the Examiner in the present action that such a burden would exist in this instance. Moreover, the Applicants respectfully submit that because the majority of the pending claims (1-10 and 13-22) read upon both Figures 1 and 2, no serious burden would exist in searching the same art for the additionally claimed feature of spraying machining liquid on the guide bush/workpiece. Stated another way, there is no mutual exclusivity as between species 1 and 2, because the claims covering species 1 are a subset of the claims covering species 2. In any case, by provisional election of species 2, Applicants respectfully submit that each of claims 1-24 read thereupon.

Accordingly, the Applicants respectfully request reconsideration and withdrawal of the Restriction requirement during the examination of the claims in light of the above.

No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Response, please charge them to Deposit Account No. 06-1130 maintained by Applicant's Attorneys. If the Examiner has any queries regarding the presently submitted response, the Applicant's attorney respectfully requests the courtesy of a telephone conference to discuss the same.

Respectfully submitted,
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